



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,063	04/05/2000	Marretta Marie Misstretta	200-0249	7228

28787 7590 04/16/2004
DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS, MI 48304

EXAMINER..

KARMIS, STEFANOS

ART UNIT PAPER NUMBER

3624

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,063

Applicant(s)

MISSTRETTA, MARRETTA MARIE

Examiner

Stefano Karmis

Art Unit

3624

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 3624

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed on 15 January 2004.

Status of Claims

2. Claims 1-4 and 6 have been cancelled. Claims 5 and 7 have been amended. Therefore claims 5 and 7 are under prosecution in this application.

Summary of this Office Action

3. Applicant's arguments filed on 15 January 2004 have been fully considered, and discussed in the next section below or within the following rejection are not deemed to be persuasive. Therefore claims 5 and 7 are rejected as being unpatentable over the prior art cited below, and Applicant's request for allowance is respectfully denied.

Response to Applicant's Amendment

4. The Examiner acknowledges changes made by the Applicant to address issues regarding 35 U.S.C. 112 rejections.

Art Unit: 3624

5. Regarding independent claim 5, Applicant argues that Boesch fails to teach that credit worthiness of the customer and the credit worthiness of the merchant are combined to bring forth a more favorable exchange transaction for the parties. However, Boesch teaches differentials used to approve transactions between a merchant and customer. Boesch teaches that the differentials may be dependent upon creditworthiness of the customer user or the merchant user along with other factors all considered in a "risk range" (column 9, lines 11-25). Further, the "risk range" as taught by Boesch, is used to determine a more favorable exchange transaction for the parties (column 3, lines 3-37). Hence, the limitation that credit worthiness of the customer and the credit worthiness of the merchant are combined to bring forth a more favorable exchange transaction for the parties, is in fact taught by Boesch.

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the server entity of Boesch does not bring itself into the transaction to help the credit worthiness of the customer and the merchant to lower the transaction cost) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 5 does not explain the manner in which creditworthiness of the customer and the merchant are used to lower the transaction cost. Furthermore, Boesch does teach executing currency exchange transactions over a server with outside entities in order to minimize costs associated with the plurality of entities (column 12 lines 7-57). Therefore Boesch does teach a server being brought into the transaction to lower the cost of the transaction.

Art Unit: 3624

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al. (hereinafter Boesch) U.S. Patent 5,897,621 in view of Potter et al. (hereinafter Potter) U.S. Patent 5,787,402.

Art Unit: 3624

Regarding independent claim 5, Boesch teaches a method of conducting exchanges of currencies for a plurality of first and second entities, said entities being in jurisdictions having working capital in differing first, second and third currencies (column 2, lines 55-65 and column 2, lines 32-38) comprising:

evaluating the currency exchange requirement for a first entity having a first currency working capital on a first predetermined time frame for selling said first currency and buying said second or said third currency and selling said first currency and buying said second or said third currency (column 2, line 55 thru column 3, line 35 and column 11, lines 7-23);

communicating said currency exchange requirement of said first entity to a central currency exchange management entity (column 3, lines 25-35);

evaluating the currency exchange requirements for a second entity having a second currency working capital on a first predetermined time frame for selling said second currency and buying said first or said third currency, and selling said second currency and buying said first or said third currency (column 2, line 55 thru column 3, line 35 and column 11, lines 7-23);

communicating said currency exchange requirement of said first entity to a central currency exchange management entity (column 3, lines 25-35)

evaluating the currency exchange requirements of said second entity on said first predetermined time frame for selling or buying said second currency and buying or selling a second currency of said second entity (column 2, line 55 thru column 3, line 35, column 4, lines 8-15 and column 4, lines 60-65);

obtaining quotes of a rate of exchange for selling said first currency and buying said second currency or said third currencies and buying said first currency and selling said second or

Art Unit: 3624

third currencies and selling said second currency and buying said first or third currencies and buying said second currency and selling said first or second currencies and selling said third currency and buying said second or first currency and buying said third currency and selling said first or second currency based upon the credit worthiness of said first and second entities and said central currency exchange management entity and the volume of transactions of said combined first and second entities and said central currency exchange entity (column 11, line 7 thru column 12, line 57, column 9, lines 12-25 and column 8, line 59 thru column 9, line 10);

determining a net amount of currency exchange transactions (column 2, line 55 thru column 3, line 35, column 5, lines 1-20, column 6, lines 10-16, and column 7, lines 19-22);

executing said net currency exchange transaction by having said central currency exchange management entity to conduct said net currency exchanges with an outside entity to limit the exposures of currency transactions for said first and second entities and to minimize the cost associated for said first and second entities (column 12 lines 7-57 and column 8, lines 49-58).

Boesch fails to teach evaluating the currency exchange requirements for a third entity having a third currency working capital on a first predetermined time frame for selling said third currency and buying said second or said first currency, and selling said third currency and buying said second or said first currency. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Boesch to include a third entity because many financial networks are designed to accommodate a plurality of entities who trade and transact with one another. The third entity in the instant application functions in the same manner, as do the first two entities and therefore the actions of the third entity are

Art Unit: 3624

anticipated as mentioned above for the first two entities. Boesch further teaches an entity having access to a plurality of currencies owned by the entity (column 11, lines 7-16). It would also be obvious to one of ordinary skill in the art, that an entity could be considered multiple entities by defining the currency associated to the entity. For example, an entity with United States Dollars could be considered a different entity when the entity is using French francs since the customer has the ability to trade with himself and exchange between multiple entity currencies currency as described by Boesch (column 12, lines 40-57).

Claim 7, Boesch fails to teach the central currency exchange management entity is credited with a spread of quotes of the rate of exchange of a net amount of currency exchange transactions. Potter teaches that the central currency exchange management entity is credited with a spread of quotes of the rate of exchange of a net amount of currency exchange transactions (column 2-7) It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Boesch to include the teachings of Potter because it is desirable to have the central currency exchange management entity is credited with a spread of quotes of the rate of exchange of a net amount of currency exchange transactions to better track and credit the entities in the method. There is sufficient motivation to combine references, both teach method for multi-currency transactions over a computer network

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

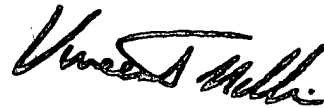
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
02 April 2004



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600